IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JOHNNY BERNAL,	§	
on Behalf of Himself and Others	§	
Similarly Situated	§	
	§	**CIVIL ACTION NO. 07-CA-695-XR**
Plaintiff,	§	
	§	
vs.	§	
	§	
VANKAR ENTERPRISES, INC. d/b/a	§	
BABCOCK BAR, CHICAGO BAR, INC.,	§	
and TDS ENTERTAINMENT, INC. d/b/a	§	
DIXIE'S COUNTRY BAR	§	
	§	
Defendants.	§	

ADVISORY

1. Plaintiff brought this collective action suit against Defendants on August 23, 2007 (Docket Entry #1). Since that time, seven (7) other claimants have filed consents to join this case.

2. Defendants filed their Original Answer (with 12e motion) on September 18, 2007 (Docket Entry #6).[1]

3. Per Local Rule 16, the Parties are required to submit a proposed scheduling order and joint discovery case management plan to the Court within sixty (60) days after the defendant has entered an appearance.

4. As Defendants entered their appearance on September 18th, the proposed scheduling order is due today, November 19, 2007.

[1] Plaintiff filed his First Amended Collective Action Complaint by agreement of the Parties on 10/5/07 in order to address the matters raised in Defendants' 12e motion.

5. In light of the foregoing, on 10/24/07 Plaintiff's counsel sent defense counsel a draft of the proposed Joint Discovery Case Management Plan and Scheduling Order. Thereafter, on 11/13/07 defense counsel (Edward Pina) advised Plaintiff's counsel that he is being replaced by his clients as attorney on this case and that, as a result, he is unable to file these pleadings as required by the Court.

6. Accordingly, Plaintiff is filing concurrently herewith his own proposed discovery plan and Scheduling Order (without the input of defense counsel) in order to comply with Local Rule 16.

Respectfully submitted,

/s/ Robert R. Debes, Jr.

By: ________________________________

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COUNSEL FOR PLAINTIFF

CERTIFICATE OF CONFERENCE

I certify that I have attempted to speak with Mr. Pina about the filing of this Advisory and the proposed JDCMP and Scheduling Order; however, Mr. Pina has not returned my calls.

/s/ Robert R. Debes, Jr.

ROBERT R. DEBES, JR.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing instrument was forwarded to all counsel of record via ECF delivery, facsimile, by courier, by certified mail (return receipt requested), and/or first class mail delivery on this the 19th day of November, 2007.

/s/ Robert R. Debes, Jr.

ROBERT R. DEBES, JR.